

**CONCURRING STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: AMFM Radio Licenses, L.L.C., Licensee of Station WWDC(FM), Washington, DC; Clear Channel Broadcasting Licenses, Inc., Licensee of Station WRXL(FM), Richmond, Virginia; Capstar TX Limited Partnership, Licensee of Station WOSC(FM), Bethany Beach, Delaware; Notice of Apparent Liability for Forfeiture

Consistent with my past statements, I believe we should be fining broadcasters on a “per utterance” basis.¹ I also believe that, when determining the amount of fine, we should take into consideration the circumstances and actions of the particular broadcaster. Unlike some broadcasters, Clear Channel recently has agreed to pay an unprecedented fine, without contest, for past indecency violations. In addition, it has announced a comprehensive policy to reduce the likelihood that indecent broadcasts occur. Indeed, it has already taken steps to implement its “zero-tolerance” policy. We also should take such steps into consideration.

¹ See, e.g., Separate Statement of Commissioner Martin, *Infinity Broadcasting Operations, Inc., Licensee of Station WKRK-FM, Detroit, Michigan*, Notice of Apparent Liability, 18 FCC Rcd. 6915, 6939 (2003) (urging the Commission to fine violators “per utterance”).